

IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF VIRGINIA
BIG STONE GAP DIVISION

CLERK'S OFFICE U.S. DIST. COURT
AT ABINGDON, VA
FILED

MAY 19 2006

JOHN F. CORCORAN, CLERK
BY:  DEPUTY CLERK

BRADLEY M. LEBEN,

Plaintiff,

v.

JO ANNE B. BARNHART,
COMMISSIONER OF
SOCIAL SECURITY,

Defendant.

Case No. 2:05CV00034

FINAL JUDGMENT

By: James P. Jones
Chief United States District Judge

For the reasons set forth in the report and recommendation of the magistrate judge, no objections having been filed thereto, it is **ADJUDGED AND ORDERED** as follows:

1. The magistrate judge's report and recommendations are **accepted**;
2. The final decision of the Commissioner of Social Security ("Commissioner") is **vacated**;
3. The case is **remanded** to the Commissioner pursuant to the fourth sentence of 42 U.S.C. § 405(g) for further development; and
4. The clerk is directed to close the case.

ENTER: May 19, 2006


Chief United States District Judge